Supreme Court, U. S.
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No. 77-955

In the Supreme Court of the United States

OCTOBER TERM, 1977

JAMES M. POWELL, PETITIONER

v.

RONALD V. DELLUMS, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

REPLY MEMORANDUM FOR THE PETITIONER

WADE H. McCREE, JR.,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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Respondents treat this case as if it involved only the scope of the immunity of line police officers in civil suits against them for damages growing out of their making arrests (Br. in Opp. 7-9). As we pointed out in our petition (pp. 14-18), however, this case involves the immunity of "supervisory police officials * * * who regularly are required to make major policy decisions and to exercise substantial discretion involving important issues" (*id.* at 18). Respondents themselves recognize that this Court has provided absolute immunity for "officials whose jobs entail a significant element of discretion" (Br. in Opp. 7-8). Petitioner comes squarely within that category.

Respectfully submitted.

WADE H. MCCREE, JR.,
Solicitor General.

APRIL 1978.

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